



7-29-04

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION of

Inventor : BOWEN et al.  
Appln. No. : 09/698,743  
Conf. No.: 6821  
Filed: October 27, 2000  
Title: METHOD AND APPARATUS FOR MONITORING AND  
CONTROLLING A MEDICAL DEVICE  
Group Art Unit : 3761  
Examiner : Dawson, G.  
Docket No. : 99-26

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\* \* \* \* \*

July 28, 2004

## RESUBMISSION OF AMENDMENT

Hon. Commissioner of Patents  
and Trademarks  
Alexandria, VA 22313-1504

Sir:

An Office Action was issued in the above-identified U.S. patent application on August 13, 2003. An Amendment in response to this Office Action was mailed on January 13, 2004. However, a review of the Patent Application Information Retrieval (PAIR) system does not show that the January 13, 2004 Amendment has been received at the Patent Office.

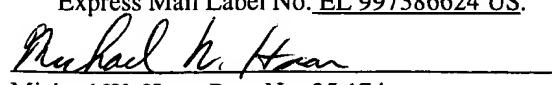
Accordingly, applicant is resubmitting a copy of the January 13, 2004 Amendment, herewith, along with evidence - in the form of a stamped Post Card Receipt - that this Amendment was received in the U.S. Patent Office on that date. To this end, copies of the

**CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10**

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the United States Postal Service on July 28, 2004 with sufficient postage as "Express Mail Post Office to Addressee" in an envelope addressed to:

Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No. EL 997386624 US.

  
Michael W. Haas, Reg. No. 35,174

following documents that were filed in connection with the above-identified U.S. patent application on January 13, 2004 are enclosed:

- 1) Stamped Postcard Receipt (stamped received on January 13, 2004),
- 2) Transmittal Form dated January 13, 2004 (1 page),
- 3) Amendment dated January 13, 2004 (13 pages);
- 4) Certificate of Mailing by Express Mail (1 page, Express Mail Label No. EV 196252743 US); and
- 5) Express Mail receipt dated January 13, 2004 (1 page).

Applicant notes that the Certificate of Mailing by Express Mail also proves that the Amendment responsive to the August 13, 2002 Office Action was mailed on January 13, 2004.

Applicant respectfully requests that the Amendment filed on January 13, 2004 be entered. Moreover, applicant submits that this Amendment overcomes the rejections set forth in the August 13, 2004 Office Action. Accordingly, favorable consideration and allowance of the present application, as well as a Notice to that effect, are earnestly solicited.

The January 13, 2004 Amendment responsive to the August 13, 2004 Office Action was filed with the proper two month extension fees, which was debited from our deposit account on January 15, 2004. No additional claim fees were believed to be required as a result of the attached amendments to the claims. Thus, no additional fees are due based on the filing of the January 13, 2004 Amendment. Nevertheless, the Commission is authorized to charge any fee required under 37 C.F.R. §§ 1.16 or 1.17 to deposit account no. 50-0558.

Respectfully submitted,

By Michael W. Haas

Michael W. Haas

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1010 Murry Ridge Lane  
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## TRANSMITTAL FORM

*(To be used for all correspondence after initial filing)*

Application Number		09/698,743		
Filing Date		October 27, 2000		
Confirmation Number		6821		
Inventor(s)		BOWEN et al.		
Group Art Unit		3761		
Express Mail Label No.: EL 997386624 US		Examiner		
Total Number of Pages in This Submission:		21	Attorney Docket No.	
				99-26

### ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <i>(submit in duplicate)</i> <div style="display: flex; justify-content: space-between; align-items: center;"> <input type="checkbox"/> Fee Attached    <input style="border: 1px solid black; width: 50px; height: 20px; margin-left: 10px;" type="text"/> </div> <div style="margin-top: 5px;"> Check No.: <input style="border: 1px solid black; width: 100px; height: 20px;" type="text"/> </div>	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Cover Sheet <input type="checkbox"/> Drawing Change Authorization Request and Amended Figure(s) <input type="checkbox"/> Request for Return of PTO-1449 Forms <input type="checkbox"/> Petition to the Commissioner <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Address <input type="checkbox"/> Terminal Disclaimer(s) <input type="checkbox"/> Certified Copy of Priority Document(s) <input checked="" type="checkbox"/> Certificate of Mailing by Express Mail	<input type="checkbox"/> Issue fee Transmittal Form PTOL-85(b) + (c) and Cover Sheet <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Request for Continued Examination (RCE) <input type="checkbox"/> Status Request Letter <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund <input type="checkbox"/> Response to Missing Parts / Incomplete Application
<input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits / Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <div style="margin-top: 10px;"> <input type="checkbox"/> Form PTO-1449  <input type="checkbox"/> Cited References  <input type="checkbox"/> Search report </div>	<input type="checkbox"/> Drawing(s): Number of Pages _____ Number of Figs. _____ and cover sheet <input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Other Enclosure(s): _____

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Current Due Date: None

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### SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Individual and Company	Michael W. Haas, Reg. No. 35,174 RESPIRONICS, Inc., 1010 Murry Ridge Lane, Murrysville PA, 15668		
Signature	<i>Michael W. Haas</i>		
Date	July 28, 2004		

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Express Mail Label No. EL 997386624 US.

Typed Name	Michael W. Haas, Reg. No. 35,174		
Signature	<i>Michael W. Haas</i>	Date	July 28, 2004



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## Patent

Serial No.: 09/698,743 Filing Date: October 27, 2000  
Inventor(s): BOWEN et al.  
Conf. No. 6821 Atty. Docket No.: 99-26  
Title: Method and Apparatus for Monitoring and Controlling a Medical Device

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- 1) Transmittal Form (1 page);
- 2) Fee Transmittal Form (1 page, 2 copies);
- 3) Amendment (13 pages);
- 4) Petition for Extension of Time (1 page, 2 copies); and
- 5) Express Mail Certificate (Label no. EV 196252743 US).



## Received:

Current Due Date: January 13, 2004 (2 months extended)  
Papers Dated: January 13, 2004



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